

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

CHRISTOPHER L. HARRIS,

Petitioner,

v.

Civil Action No: 1:14-12662

BART MASTERS, Warden
FCI McDowell

Respondent.

MEMORANDUM OPINION AND ORDER

By Standing Order, this matter was referred to United States Magistrate Judge Dwane L. Tinsley for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Tinsley submitted to the court his Proposed Findings and Recommendation on May 20, 2014, in which he recommended that the district court dismiss this matter without prejudice because the issues raised in the petitioner's section 2241 petition are not appropriately raised in a section 2241 habeas corpus proceeding, and that the same issues may be addressed in the petitioner's separate Bivens action (Case No. 1:14-cv-15925). Doc. No. 5.

In accordance with the provisions of 28 U.S.C. § 636(b), petitioner was allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Tinsley's Findings and Recommendation. The failure to file such

objections constitutes a waiver of the right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Petitioner failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Tinsley, the court adopts the findings and recommendation contained therein.

The court FINDS that the issues raised in petitioner's section 2241 habeas corpus petition are not appropriately raised in a section 2241 petition, and that the same issues may be addressed in the petitioner's separate Bivens action (Case No. 1:14-cv-15925). As such, the court hereby DISMISSES this matter without prejudice and DIRECTS the Clerk to remove this case from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to petitioner, pro se.

It is SO ORDERED this 11th day of June, 2014.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge